

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DANIEL POOLE,)	
)	
Plaintiff,)	
)	
v.)	No. 07 C 6355
)	
VILLAGE OF BURBANK, a Municipal)	Judge Bucklo
Corporation, VILLAGE OF BURBANK POLICE)	
DEPARTMENT OFFICERS KARA KUSH,)	Magistrate Judge Schenkier
Star No. 119, and GREGORY PEROVICH,)	
Star No. 134, sued in their individual and official)	
Capacities as officers of the Village of Burbank)	
Police Department,)	
)	
Defendants.)	

**DEFENDANTS' MOTION TO SUPPLEMENT THEIR AFFIRMATIVE DEFENSES TO
PLAINTIFF'S COMPLAINT INSTANTER**

NOW COME the Defendants CITY OF BURBANK, ("BURBANK") (improperly sued as the VILLAGE OF BURBANK), KARA KUSH ("KUSH") and GREGORY PEROVICH ("PEROVICH"), by and through their attorney, LOUIS F. CAINKAR, LTD., and for their motion to supplement their affirmative defenses instanter, state as follows:

1. On November 8, 2007, Plaintiff, Daniel Poole ("Poole"), filed his complaint against the City of Burbank and its officers alleging violations of his civil rights pursuant to 42 U.S.C. §1983. Poole's complaint also alleged two state law tort claims. The Defendants filed their answer and affirmative defenses on November 26, 2007.

2. In response to Poole's claims under state law, the Defendants alleged various affirmative defenses pursuant to the Local Governmental and Governmental Employee Tort Immunity Act ("Tort Immunity Act"), 745 ILCS 10/1-101, *et seq.* The Defendants inadvertently failed to allege the Tort Immunity Act's one-year statute of limitation. 745 ILCS 10/8-101. The Defendants have attached their supplemental affirmative defenses to this motion as Exhibit "A."

WHEREFORE, the Defendants respectfully request that this court allow them to supplement their affirmative defenses in order to allege the Tort Immunity Act's one-year statute of limitation provision for Counts III and V of the complaint instanter.

Respectfully submitted,

CITY OF BURBANK, KARA CUSH, and
GREGORY PEROVICH

S/ Joseph Cainkar
One of Their Attorneys

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CERTIFICATE OF SERVICE

I, the undersigned, an attorney, on oath state: I served a copy of the Defendants' Motion to Supplement Their Affirmative Defenses to Plaintiff's Complaint Instanter by e-mailing a copy to the CMT System for the Northern District of Illinois on December 13, 2007.

S/ Joseph Cainkar